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To: See Distribution

From: Alexander Holtzman

Subject: ASH V. FDA (PROCEEDING TO HAVE CIGARETTES DECLARED DRUGS)

Date: October 14, 1980

Attached are memoranda from Covington & Burling dated October 3 and October 8 summarizing certain new arguments introduced by ASH in its appeal from the FDA's determination that cigarettes are not drugs.

In view of its general interest, I am also attaching the memorandum from FDA to the HEW Office on Smoking and Health dated June 23, 1980 which concludes that the non-tobacco smoking product FREE, as labeled and marketed, is a drug.

The second document mentioned in the memo of October 3 is a seven-page summary of the Technical Review on Cigarette Smoking as a Addiction, which was sponsored by the National Institute of Drug Abuse on August 23-24, 1979. This contains some interesting conclusions and I will be glad to provide copies to those of you who are interested.

AH/1

Alexander Holtzman

AH/f  
Attachments

Messrs: Millhiser  
Goldsmith  
Cullman  
Pollack  
Bowling  
Ahrensfeld  
Morgan  
McDowell  
Adkins  
Seligman  
Osdene

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